

616
SOME
TRANSACTIONS
IN THE

Court of *Exchequer* ;

DURING THE

Administration

OF THE

Late Lord Chief Baron ROCHFORD.

— *Quæq ipse miserrima vidi*
Et quorum pars magna fui :

Virg. Æn.

I am not Mad most noble Festus ; but speak the Words of
Truth and Soberness. Acts, ch. 26, v. 24.

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To the Knights, Citizens and Bur- gesses of the Kingdom of Ireland, in Parliament Assembled.

I Presume to Address the following Narrative to Your Honours, because altho' the Subject Matter of it be of a Private Nature, and no more then a Relation of an Injury done to my Self; yet I thought the Means by which it was Effected, being the Universal Concern of every Man, might deserve Your Consideration; and I shall think my self the Instrument of doing much Good if it shou'd prove a Seasonable Hint to promote some farther Laws against Perjury: Of which I have given an Instance that I hope will possess the Mind of every Honest Man with Horror, to think that he lives in a Country where Oaths which are the great Bond of Society and the Foundation of Justice, can be little or no Security to him, And the best Men left to the Mercy of the worst, which Nicholas Machiavil lays as a charge upon Christianity in General but unjustly; for it does not hold where ill Men are sufficiently reprehended by Laws.

In other places it is observ'd with some Reason that Nemo repente fit turpissimus, a Knight of the Post must not only have had very bad Natural Dispositions, but he must likewise have appeared in a Gradation of smaller Crimes, so as to be taken Notice of before he came to such a Maturity in Wickedness as supposes an absolute privation of all the Footsteps of Vertue and Religion, and the utmost Degeneracy of Human Nature.

But here you may find a Youth step into the World, and make his first Essay upon the Holy Exangelists only for a Horse or a Cow, with as much Impudence and Unconcernedness, and acquit himself every way as well as if he had served an Apprentiship to the Trade. This is no Secret but Notorious to all Gentlemen that have used the Circuits, where 'tis common to see Twenty Persons of a

side Swear point Blank contrary to one another, all unexceptionable in their particular Reputations, only to determine the Property of a Bullock or an Acre of Land.

This common Abuse and Contempt of the Sacred Page in the Courts of Justice, some ascribe to the Romish Superstition that prevails greatly amongst the Irish, and so it does amongst the English and Welsh that are not addicted to this Crime: I rather impute it to the Natural Immodesty and Malignity of the Uulgar, who are a very untoward Generation, and little different from Beasts and Savages, as the Pope Styl'd them in his Bull to Henry the 2d.

They have a strange propensity to Deceit and Falshood, and the Book is the common Instrument that they make use of in their private Dealings, which I have known a Child of seven years Old call for to justify himself in a Lye. And I have been inform'd of a Nurse that Suckl'd a Gentleman's Son and instead of Teaching him his Prayers, made the Child Swear every Day for his Devotion upon the Bible, that he wou'd give her a good Farm when he came of Age, of which he had got such a trick that he wou'd call for the Book upon every Occasion till his Parents Whipt him out of it.

The Common Law which seems to be Calculated in times of the greatest Simplicity of Manners, for the Government of a Vertuous and Ingenuous People, did notwithstanding set the strictest Guard upon Property, which it wou'd not endure to be alter'd without some Publick Ceremony or Solemn Attestation: A Man might Contract a Debt without specialty, but that might be discharg'd by Wager of Law, if the Party cou'd deny the Demand upon Oath, which was thought by the Wisdom of our Ancestors to be a less Inconvenience then to leave Mens Fortunes open to Perjury, against which there cou'd be no other Fence, since the Creditor might provide for himself in his Contracts by Legal Securities, and cou'd not suffer without a wilful Neglect.

How the Ancient Land-Marks and Tokens of Property came to be overthrowen by new Inventions of Persons that had the same design with them that raise a Tumult in the Streets in order to

How

Pick Pockets, or set a House on Fire to Rob it, wou'd be too tedious to give an Account of here.

I can only say that the Mischief arising from thence gave Occasion to the Statute of Frauds and Perjury in the 27th Year of Charles the Second, which was intended for a Restitution of the Ancient Securities according to the Reason of the Common Law, which had been utterly subverted by the Doctrine of Trusts, Wills, long Parol Leases and Actions upon the Case and such like Contrivances.

This Act tho' imperfect in it self and projected for another Meridian, was pursued in this Kingdom in the 7th Year of King William to a letter which is often done here, but very improperly for the Law-Giver like a Physician ought to Consult the Nature of the Disease and the Difference of Constitutions, and proportion the Remedy accordingly; as for instance if three Witnesses are required to a Will in England, there is as much Reason to have Six here. In the American Plantations they dont permit a Negro to be an Evidence at all against any White but a Jew. God himself took the like Course with His own People that were so untractable, that they were not fit to be Govern'd by any other Hand; and made several Laws for them that He never intended for any other part of Mankind. But they have imitated this Statute here even in its mistakes, of which there appears one to be very Gross, and that is the Tying the Subscription of the Witness to the Presence of the Testator, which is a Circumstance of Attestation that never was appointed by any Law in the World before, and was certainly an oversight in the Draught. This is not like Solon or Lycurgus but the Scriveners, of whom I have heard a pleasant Story, which was thus,

One King an Eminent Lawer, had drawn a Conveyance with some new Covenants that were in great Repute, and in the Clause for further Assurances by the Advice of Council, Mr. Thursby was excepted out of a Banter; when the Scriveners got the President they stuck so close to it that

that they excepted Mr. Thursby in all their Draughts, tho' he was one of the greatest Conveyancers in England.

But admitting the best Laws were made, and the severest Penalties inflicted upon this Offence, it wou'd signify nothing without a due and careful Execution of them, which can never be as long as these Miscreants receive any Countenance from Persons in Power or Authority; it is a common thing for a Justice of Peace to keep what they call a Pet Rogue under his Protection, and I have known a Magistrate in one of the Highest Stations of the Law in a Conspiracy with the Tenant against the Landlord to Embroil the Estate by such means, in order to Buy it, and the Villany openly Back'd and Supported by a most shameful Prostitution of the Publick Justice.

The Punishment of a Criminal of this Size is without President here, which can scarcely be said of any other Civiliz'd Country in the World. Even the Remote Roman Provinces that had not Parliaments at their Doors, found means to Punish Corrupt Judges as it happen'd in the Case of Verres the Sicilian Prætor, and in England we have had frequent instances of Exemplary severities of that kind, as may appear by the Story of Sir Adam de Stratton, which I have told in another place.

Our Gracious Sovereign has sufficiently provided for the present Generation, by Placing the Administration of the Law in the Hands of some of the greatest Men that ever this Country had the Happiness to see upon the Bench. But it wou'd be a Noble Legacy to Posterity to Transmit an Example to future Ages that wou'd make Justice Terrible to all Villans; such a Sacrifice wou'd be an Improvement and Ornament to the Country, and Contribute to the Glory of Irish Parliaments whose Publick Spirit, Vertue, Constancy and Courage begin to Shine already in the Eyes of all Europe, but that I shall leave to the Wise Consideration of Your Honours, when an Opportunity offers and Subscribe my Self, Your Honours most Devoted and Humble Servant,

Peter Hughes.

SOME

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TRANSACTIONS
IN THE
Court of Exchequer, &c.



BEING Possessed of a Competent Estate both Real and Personal in this Kingdom, I did on the Tenth Day of *August* 1706, Execute a Lease for Lives Renewable for Ever, of two Townships, the one called *Ballykelly*, and the other called *Ballyneag*, in the County of *Kildare*, to one *Dominick Quin* at 100 l. per Annum Clear Rent, over and above all Charges and Reprizes.

The Instrument was Drawn by a careful Hand, and after a good President; it consisted of two Skins of *Parchment*, which were fill'd with the strictest Covenants that cou'd be laid upon a Tenant, and without any Abatement or Allowance to be made on my part, except for Damage in case of Digging for Mines, which was expressly provided for.

The Soil was low and moist, and therefore capable of Improvements by Drains and Inclosures, and for the Tenants

nants Encouragement I had granted him an Interest equal to the Inheritance, which secured the prospect of all Disbursements on the Premises to himself and his Posterity for ever.

Within the first Year a Tolerable House was Built, and a great part of the Land was Drain'd and Divided by Ditches and Inclosures, but to my great Surprize the Day that I demanded the first Gales Rent I was serv'd with a *Subpena* to answer a Bill in the Court of *Exchequer*, at the Suit of my Tenant which charg'd me with a Demand of 1000 *l.* for Improvements on the Premises, made in Pursuance of my Order and for my Use.

I put in my Answer and Denied all the equity of the Bill, but however an Injunction was Granted, and being at Issue the Proof for the Plaintiff was as follows ?

Teague Meagher, Bryan Gorman, Dermot Donagher, and about Eight more, all of them Common Labourers Swore, (literally the same *Et in iisdem terminis*).

That on the Fifteenth Day of *August* 1706, I came upon the Premises, and then and there directed the Complainant to Build a good House and to Ditch and Drain as he thought most proper, (without any Limitation) that I desired him to spare no Charge, and promis'd to allow him for it out of his Rent. That I propos'd an Advantage by it to my self in advancing the value of the Land, and being Accommodated with a convenient Habitation in the Country, which I computed wou'd save me 100 Pounds a Year, in my way of living.

That in Pursuance of the said Order, the Complainant had made several Buildings and Improvements, the particulars whereof they mention, and had expended 500 Pounds thereupon.

And

And for their cause of Knowledge say, that, they were at Work upon the said Buildings and Improvements, whereby they had an opportunity of hearing me give Directions for making them.

A Note or Letter was likewise prov'd bearing Date some time before the Lease for Lives, when the Land was in my own Possession, which imported an Order to the Complainant to make several Ditches and Drains upon the Premises, and a Promise to allow for them, which was true; and for which I had fairly allow'd him upon an Account stated at the Execution of his Lease, which was not any farther insisted on than as a probable Argument or Inducement to the Court to believe, that I might give the same Directions, and promise the same Allowance, after I had granted away my Interest to the Complainant and his Heirs for ever.

Upon this Testimony the Cause came to a Hearing. All we ask'd was a Trial at Law, to lay the Credit of the Evidence before a Jury of their Neighbours.

The Improbability was urg'd, that any Man not appearing to be out of his Senses, otherwise than by this Proof, should make so large an Allowance for Buildings and Improvements in *alieno solo*, and that out of Frugality and a Prospect of Enjoyment and Advantage to himself, without making the least provision for any Interest that would answer those Ends; the Necessity whereof was obvious to the meanest Capacity, and the first notices of Sense, without Inference or Reflection, and wherein no Man cou'd be mistaken that was qualify'd by the Law to Contract.

That it was less difficult to believe, that so many *Barbarians* shou'd mistake, forget, or forswear themselves, (which was a Thing found usual in common Experience) especially in point of Time; which was all that distinguish'd the Pro-

mise from the Note, or that they should omit some other material Circumstance, Condition, or Qualification, that might render the whole Contract rational and consistent, and which a publick Examination, *viva voce* before a Jury, wou'd give us an Opportunity of discovering.

On the 15th Day of *August*, 1706, I was at Sea on Board the Yatch, bound for *England*, which was not only notorious to the whole Ship's Crew, but likewise to several Passengers of the best Rank : But as it was impossible for me to foresee the Time that these Wretches wou'd fix upon, so I cou'd not have any Opportunity of Examining Witnesses to that Point ; all I could do, was to lay the Matter before the Court by Affidavits, as a farther Inducement to a Trial at Law, but in vain.

For notwithstanding all that cou'd be said, that great Oracle of the Law, the late Lord Chief Baron *Rochfort*, declared his Satisfaction in the Evidence ; which, he said, cou'd not admit of the least Suspicion, and without making any Decree (which depriv'd me of the Opportunity of an Appeal) order'd an Account to be taken of the Value of the Improvements not without a Reproof to my self for contesting so plain a Case, that concern'd the publick Interest of the Kingdom, and to the great Discouragement of all Improving Tenants.

This Sentence, if it had been Capital, cou'd scarcely have been more fatal to me.

I am willing to ascribe all the Consequences of it to the wise and over-ruling Hand of Providence ; but so far as I can account for them from Moral Causes, I must place a great deal in the Folly, Ignorance and Stupidity of my Adversary, who was like an unskillful Fencer, that gives the most dangerous Thrusts, because a compleat Master cannot judge

judge of them by the Rules of his Art. Immediately upon this Success he put himself in the Habit of a Gentleman, set up his Coach, treated upon Marriage, and offer'd my Land for a Settlement, which he affirmed, and all the World believed to be his own.

This Transmigration of a poor Peasant that had driven a Car sometime for his Bread into a Man of Figure, made him very remarkable, and much taken notice of, which was at my Cost, and often occasion'd my Name to be mention'd very opprobriously; besides the House which he had built, stood upon one of the greatest Roads in the Kingdom, as a Spectacle to Travellers, and the Monument of my Folly and Improvidence.

In a short time I had the Mortification to see this wicked and despicable Wretch well receiv'd by Persons of the best Rank, and caress'd as a knowing, careful Man, that had rais'd himself by his Prudence and Industry, which is a Construction that the World frequently puts upon a successful piece of Villany.

On the contrary, that which I rely'd upon for my Protection made most against me; the Folly, Absurdity, and Incredible Circumstances of this Promise, that were urged to the Court to render this Testimony suspected, had no other Effect after it had receiv'd the Sanction of the Court, then to make me pass for one of the most egregious Coxcombs that ever was: So that I was not only forc'd to bear the Burthen of my Adversary's Villany, but even of his Ignorance and Folly in the Contrivance of it.

A pair of Asses Ears were clapt upon my Head as large as those of King *Midas*, who had the Misfortune too of being guilty of a foolish Bargain, and which is mention'd by the Heathen Poets as one of the greatest Instances of

Folly and Infatuation. *Midas* is said to have made an Agreement with the Gods, that all he touch'd should be turn'd into Gold, without excepting necessary Meat and Drink, whereby he was starv'd to Death; and my Bargain was to turn my Rent, which was my Bread, into Improvements upon another Man's Land, without providing for the Use or Enjoyment of them. I must submit to the Judgment of the Reader, which is most ridiculous or most fatal in the Consequence.

My best Friends that heard this Story, cou'd make no other Apology for me, but that I was gone Mad; which my good Friend *Harry Coddinton* who was tender of my Character, and thought to palliate the matter, us'd to express by the word Whymfical, which had prevail'd so far, that I cou'd not remove the Impression by the greatest Prudence or Address, which were only look'd upon as the Effect of lucid Intervals.

If I visited an old Woman, she wou'd entertain me with nothing but a Discourse upon Cephalicks, and if I contradicted any Body in Discourse, they would ask me what time of the Moon it was for an Answer. I once call'd for some *Tea* at a Coffee-House, and the good Woman that kept it deny'd to give me any; I ask'd her the reason, and she told me that a Doctor had inform'd her it was not good for my Distemper.

Certainly to give a Dog the Name of being Mad, wou'd be a ready way to get him knock'd on the Head. And it did not fare much better with me, for I was thereby exposed to the Practices, Misconstructions and Attempts of every little undiscerning Villain, that thought he had more Wit than my self even in the minutest Dealings; and it has often put me in mind of the Condition that *Democritus* that

that great Cenfor of Mankind (as his Name imports) was in, when he was confin'd to a dark Room by the barbarous *Thracians*, for cutting up the Entrails of a Monkey.

Thus I liv'd to see my self not only depriv'd of my Estate, but likewise of my Profession, both which my Adversary henceforward claim'd as his own, having got the Repute of a Person that had some admirable Secrets in the Law, and frequently took upon him to give Advice for Money at the same time that I was asham'd to shew my Face in the Courts, or even in the Streets, where the People wou'd point at me. This Story tho' there was no need for it, was much improv'd by the Carriage, amongst them whose Interest it was to Demolish an *English* Hand at the Bar, who wou'd be very angry with any body that wou'd say there was any Comparifon between me and *Quin* : A Lye finds the best Reception here of any part of the Globe, without excepting *CRETE* it self. Let it be never so Monstrous with a Cloven Foot, and all the Features of its Parent the Devil about it, 'tis Swallow'd. Nay People are apt to believe their Ears before their Eyes ; as a Poet has observ'd upon the same occasion.

An *Ass* whose Ears are of the largest Size,
Will always Trust to them before his Eyes.

I stood engag'd at this time in the Sum of 4000 *l.* to several Persons for my Father, who was a considerable Dealer, and since his Provision for me, had suffered much by Losses at Sea.

I had undertaken nothing that cou'd arraign me of Rashness or Imprudence, being not only well counter secured without extraordinary Events ; but at that time capable of bearing the Loss, which I was bound to hazard by all the Ties of Nature, Gratitude and Justice. The

The Creditors had heard of my prudent Management, and began to apply to my Tenant for his Advice how to get their Mony, who set all their Demands upon me at once.

To stem this Torrent, and to make up the Sum I wanted, I had set up an Estate which I had in the County of *West-Meath*, to Sale. A Gentleman that I must hereafter call Sir *Adam de Stratton*, because I suppose he will be asham'd of his own Name, was the first Bidder, with whom, being in haste, I agreed for much less than it was worth.

Ten a Clock upon a *Saturday* Night was appointed for the Execution of the Conveyance ; the Mony was brought down in Baggs, and I Sign'd and Seal'd ; but Sir *Adam* desir'd me to keep the Instrument in my own Custody till *Monday* Morning, because it was too late to count out so much Mony, being almost *Sunday* Morning, which I readily consented to without the least Suspicion of a Magistrate of that Dignity, notwithstanding his Behaviour to me in a judicial Capacity, which I look'd upon as an Oversight.

On *Monday* I waited on him, who desir'd to see the Instrument, I produced it to him, and he put it in his Pocket, and turning about as if he were in haste, bid me call again the next Day, and he would pay me the Mony.

Whereupon I made bold to ask him for a Note under his Hand in the mean time ; which with some Importunity he comply'd with, tho' he had scarce Leafure to do it.

The next Day I waited upon him with the Note, which was payable upon demand ; but the Answer I got then from him, was, that he had review'd the Title, that it was necessary to have several further Assurances executed before he cou'd pay me any Mony with safety.

It

It was with much Trouble and Confusion that I now began to discern what Sir *Adam* was driving at; for his Behaviour was not much unlike that of a common Larcenist, that was under an Apprehension of being taken in the Fact: His Hands shook, and his Tongue falter'd, and all other Circumstances of Guilt and Confusion appear'd in his Words and Actions, as if it had been his first Attempt.

I told him, that Delay would be my Ruin, and begg'd of him to dispatch me; whereupon he gave me Directions to suffer a new Recovery, which I did as soon as Term came; but that did not suffice, new Difficulties are started, and I was oblig'd to procure several new Parties, even the Remainders that depended upon the Intail, which had been dock'd by two Recoveries. All which I compass'd at a great Charge, and with much Difficulty; but seemingly to his Satisfaction: However, all I cou'd get from him, was his Faith and Honour, and the honest Word of a Christian, that he wou'd pay me in a Week, which was a frequent Pledge that he added to my Security.

The last time I was to wait upon him as a Dun, he seem'd to have quite forgot me, and ask'd me if my Name was not *Cartwright*? but upon recollection he embrac'd me very kindly, begg'd my Pardon, and express'd a great Concern that the Mony not was ready; but renew'd the Obligations of his Faith and Honour to pay me in a Week, which I now began to look upon as a form of Speech that he made use of to express an absolute Denial.

I then sent my Solicitor to him, to see if he cou'd find out his Meaning, with whom he was so plain, as to tell him, that he pity'd me very much, for that I was stark Mad, and that he did not owe me one Farthing.

I had taken up Mony upon the Note from *Mr. Harrison*, the Banker, and I got his Servant likewise to wait upon him for the same purpose ; but the Answer then was, that I was a cheating Knave, and *Mr. Harrison* was admir'd at for suffering himself to be impos'd on by a mad Man, which occasion'd *Mr. Harrison* to take out an Action against me, upon which I was Arrested ; but *Sir Adam* had some remorse at the loss of my Liberty, whereupon he acknowledg'd the Debt to be due to *Mr. Harrison*, which prevail'd upon him to discharge me ; whereupon he sent for me, and order'd me to move for a Protection in his Court which I obtain'd, and enjoy'd for the space of two Years, by the great Goodness and Favour of *Sir Adam*, and for which I take this publick Occasion to make him an Acknowledgment. When *Mr. Harrison* sent to demand the Mony, the same Pretence was set up as before, and then all he cou'd do was to sue me to an Outlawry.

The Creditors that I had amus'd for some time, and might have been satisfy'd at first by the help of this Mony, grew enraged ; Ten or a Dozen Outlawries and Executions were obtain'd against me, and a great part of my Effects seisd and sold for Trifles. I think an Interest that brought me in 140 Pounds a Year, was dispos'd of by the Sheriffs of *Dublin* for 50*l*.

When a Man holds bad Cards in his Hand, he is very apt to neglect his Game, especially when a Misfortune is attended with Shame, it leaves no Man at liberty to act with Prudence. I resigned my self to Destruction, and without contesting the Matter with *Quin*, I admitted the Value of the Improvements, which dispatched the Report, upon which the Cause came to be re-heard ; but, as a Preparative

tive, I was resolv'd to try an Experiment in a pleasant Humour, which had a very good Effect, tho' it was altogether the Effect of Despondence.

I put the State of my Case in Print, and I dedicated it to one Mr. *Francis Creswick*, a Gentleman that has been much talk'd of in this Kingdom.

He was about Sixty Years of Age, and a very grave sober Man; but something had provok'd him to attempt to murder Sir *Adam*, who, tho' I am credibly inform'd he has worn a private Coat of Mail ever since for the Safety of his Person, cou'd not be at rest till he had made him give Security to quit the Country, and never to return again. I drew the Bond my self, and 'tis now in the High Court of *Chancery*, I believe.

The occasion of this Adventure was thus, *Creswick* sold an Estate to Sir *Adam*, who gave him a Bill or Order upon a Man of Straw in *London* for the Consideration Mony, that was not to be found: *Creswick* came back to demand his Mony, and then Scruples in the Title (the usual Pretence) were rais'd. The old Man, whose only Dependance was on the Mony to save *Hannam's Court*, the Ancient Seat of his Family in *England*, which was Mortgag'd, cou'd not brook the Disappointment, and in a very deliberate manner after he had warn'd both Sir *Adam* and his Lady by Letters, of his Resolution in case Justice was not done him, and had frightned him from his usual Places of Resort, and particularly his Parish Church, at last found an opportunity and made an attempt to Stab him.

To this Person I Address'd my Case, which was not very Different from his own, and sent it to Sir *Adam* from whom I receiv'd a very favourable Answer. My Mony was paid to Mr. *Harrison* soon afterwards, all to Forty pounds; and when my Cause came to be re-heard the Court granted me

a Tryal at Law, whereupon I stopt the Publication: After some Delays by Affidavits and such like Practices, I came to Reasonable Agreement with *Quin*, which was, to allow him out of the Arrears for the Real Value of the Improvements, and that he shou'd Surrender his Lease to me.

I had some trouble in Stating the Arrears and the Value of the Improvements, but it was at last Effected after getting over several Counterfeit Acquittances; and I got his Receipt in full for the Consideration Mony. But instead of Delivering me Possession another Bill was Fil'd against me in the same Court, almost to the same purpose with the first, I answer'd by setting forth the whole State of the Case to the same effect as I have done here, but notwithstanding an Injunction was granted upon the Equity Confess'd in my Answer; which I will not presume to judge of my self, but shall appeal for the Truth of what I say to the Rolls of the Court.

I need not observe to the Reader now, that Sir *Adam* who has always been a great Patron of Learning and Ingenuity, had a very profound Respect for Mr. *Quin*, nor upon what Grounds or Motives it was Founded; but so far I must declare that I believe I never shou'd have got the Possession of my Land, if the Courts of Justice had not been Purg'd.

I must not forget a Stratagem of Mr. *Quin's*, which seems the most Desperate of any, to get rid of the Articles whilst they were under Debate.

Being Outlaw'd my self, I had taken them in the Name of one *Maurice Magrath* one of the Ancient Aborigines of this Country, who had (for the Credit of the *Irish* I must say it) approv'd himself to me in several Tryals for a very honest Man.

He had been a Captain in the *French* Service, but had quitted it above Twenty Years, and embraced the Protestant Religion. He

He was but low in the World, and the first Essay that Mr. *Quin* made upon him was by a Considerable Offer of Mony, but that not succeeding he gave in an Information of High Treason against him for Corresponding with the *French* King, and having obtain'd a Warrant and got him taken upon it, ~~caused him~~ to be carried to *Stephen's-Green* within sight of the Gallows, which was I believe to put him in mind of his Fate unless he Executed a Release of the Articles which was tendered to him, ready drawn in form; a Parcel of *Ruffians* being prepared upon the Place to Threaten that they wou'd prove the Fact that he was charg'd with, if he did not Comply.

Magrath who was no Stranger to his Countrymen, and knew that they were able to be as good as their Word look'd upon himself as half Convicted, and falling down upon his Knees and Begging of God to have Mercy upon his Soul! Told them that he wou'd Dye a Thousand Deaths before he wou'd do so base a thing: Which struck such an awe unto them, that it Disencourag'd them from Prosecuting the matter any farther.

I cou'd not without the utmost Ingratitude omit acknowledging so much Vertue and Worth in a poor Teigue that was under all the Temptations both of want and danger: The Miserable and Starving Condition of this good Man, and the great Affluence and Prosperity of Sir *Adam*, who wears an Orphans Patrimony upon his Finger, may be a seasonable Caution against putting uncharitable Constructions upon the Dispensations of Providence, nothing being more common then for Thunder to throw down Churches, and to leave the Houses of Robbers and Assassins untouch'd.

I have observ'd those that are good of the *Irish* are of the best Dispositions, as the other are of the worst; and it wou'd be great Wisdom in the State to give Encouragement

ment to Examples of the first kind, which makes the wicked aim at the Imitation of Vertue, when they find it to be their Interest; but on the Contrary, 'tis Remarkable that the best People here have commonly the worst Names and the worst Luck. I did entertain an opinion of a certain Person upon that Account once, ~~Capitaine de Sene of the War~~; to whom I did some very Singular Services, and indeed I met with a most Grateful and Honourable Return; which I mention to Reproach ~~on~~ ~~no~~ other that I had supported under some great Misfortunes, and Rescued from Destruction; but when I fell into Adversity he did not only abandon me; but refus'd to pay me the Mony I had lent him, and which was the Foundation of his Prosperity. I have a much better opinion of Mr. *Quin*, to whom I must do this Justice, that he is not naturally Bad, but Capable of making a very honest Man. For which he has my Prayers and Endeavours. He was Hungry, and urg'd by others that Robb with a full Belly.

It may be imagined that what I have said is out of private Malice. But I do Solemnly Declare the contrary, if I know myself, I have not as much ill Nature in my Composition as is necessary for self Preservation; I think my Temper is not at all Corrupted by my Misfortunes, and whilst I Labour'd under them most, I omitted no opportunity of doing good to Men of all Conditions and Principles without Distinction, to the best of my Power; for the Truth of which, I must appeal to the Witnesses and Companions of my Adversity.

I can and do forgive all the World, even the Person that has Injur'd me most, whom if I pursue to the Gallows 'tis in Charity, and out of good will to all the Rest of Mankind, and in order to preserve many.

F I N I S.